



An
Bord
Pleanála

Inspector's Report ABP-309520-21

Development	Tigh Cónaithe stór go leith le garáiste, slí isteach agus oibreacha coimhdeacha a thógáil.
Location	An tSeanchill, Rinn Ua gCuanach, Dúngarbhán, Co. Phortláirge.
Planning Authority	Waterford City and County Council
Planning Authority Reg. Ref.	20/889
Applicant(s)	Sarah Ní Uallacháin
Type of Application	Outline Permission
Planning Authority Decision	Refuse Outline Permission
Type of Appeal	First Party v Refusal of Outline Permission
Appellant(s)	Sarah Ní Uallacháin
Observer(s)	None
Date of Site Inspection	08.06.2021
Inspector	Anthony Kelly

1.0 Site Location and Description

- 1.1. The site is located approx. 500 metres south of Maoil a' Choirne, approx. 800 metres south west of Baile na nGall and approx. 5.5km south of Dungarvan in Co. Waterford.
- 1.2. The site is located on the west side of a local road. The site comprises part of a grassed, agricultural field. There is extensive one-off housing in the vicinity. The level of the road rises in a north to south direction as do the levels of the field of which the site forms part. The field has a higher ground level than the road. There is a hedgerow along the roadside boundary.
- 1.3. The site has an area of 0.305 hectares.

2.0 Proposed Development

- 2.1. Outline permission is sought for a one and a half storey house, garage, entrance and ancillary site works.

3.0 Planning Authority Decision

3.1. Decision

Waterford City & County Council refused the application for two reasons.

1. Having regard to the location of the site of the proposed development, which is designated as an Area Under Urban Pressure, it is considered the applicant, who appears to be urban generated, has failed to demonstrate a genuine need for housing at this location. The applicant has failed to demonstrate compliance with Policies SS3 and Section 4.10 of the Waterford County Development Plan 2011-2017, as varied and extended. The proposed development, in the absence of any definable or demonstrable need for a dwelling at this rural location would materially contravene the policies and objective of the Waterford County Development Plan 2011-2017, as varied and extended, would contribute to the encroachment of random rural development in the area, and

would militate against the preservation of the rural environment and the efficient provision of public services and infrastructure. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area and if granted would set an undesirable precedent.

2. Having regard to the location of the site of the proposed development, on a site which is visually open and sensitive and having regard to the existing row of dwellings which characterises 'Ribbon Development' there are serious concerns that the proposed dwelling will further contribute to the ribbon pattern of development. The applicants proposed development would result in a 9th dwelling within a 250m section of public roadway taking both sides of the road into account and same would be contrary to Section 11.1 of Variation No. 1 of the Waterford County Development Plan 2011-2017, as varied and extended, Development Management Standards. The proposed development would lead to a multiplicity of residential accesses and a demand for public infrastructure which would not otherwise be provided and therefore, would militate against the preservation of the rural environment and would set an undesirable precedent. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

- 3.2.1. The Planning Report forms the basis of the planning authority's decision. Having examined the application and having considered the impacts of the development and the relevant policies of the County Development Plan, the Executive Planner recommended a refusal for the two reasons as set out in the decision (minor amendments made to the two reasons for refusal).

3.2.2. Other Technical Reports

None.

3.3. Prescribed Bodies

None.

3.4. Third Party Observations

None.

4.0 Planning History

None.

5.0 Policy Context

5.1. Project Ireland 2040 National Planning Framework (NPF)

- 5.1.1. National Policy Objective (NPO) 19 states it is an objective to ensure, in providing for the development of rural housing, that a distinction is made between areas under urban influence, i.e. within the commuter catchment of cities and large towns and centres of employment, and elsewhere. In rural areas under urban influence, facilitate the provision of single housing in the countryside based on the core consideration of demonstrable economic or social need to live in a rural area and siting and design criteria for rural housing in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements.

5.2. Southern Regional Assembly Regional Spatial and Economic Strategy for the Southern Region (RSES)

- 5.2.1. Section 3.7 (Rural Areas) states the countryside 'is and will continue to be, a living and lived-in landscape focusing on the requirements of rural economies and rural communities, based on agriculture, forestry, tourism and rural enterprise, while at the same time avoiding ribbon and over spill development from urban areas and protecting environmental qualities'.
- 5.2.2. The RSES, like the NPF, makes a distinction between areas under urban influence and rural areas outside these catchments. Development plans 'will set an appropriate rural housing policy response to avoid ribbon and over-spill development from urban

areas, support revitalised towns and villages, achieve sustainable compact growth targets and protect the rural resource for rural communities, including people with an established local connection to the area’.

5.2.3. Regional Policy Objective (RPO) 27 is to support rural economies and rural communities through implementing a sustainable rural housing policy which provides a distinction between areas under urban influence and other rural areas through the implementation of NPO 19. Three requirements of the Local authorities are:

- a. Include policies for the protection of the viability of smaller towns and rural settlements as key priority within Development plans;
- b. Have regard for the viability of smaller towns and rural settlements. Core Strategies shall identify areas under urban influence and set the appropriate sustainable rural housing policy response which facilitates the provision of single housing in the countryside based on the core consideration of demonstrable economic, social or local exceptional need to live in a rural area and siting, environmental and design criteria for rural housing in statutory guidelines and plans;
...
- d. Provide for flexibility in zoning and density requirements to ensure that rural villages provide attractive easily developed options for housing.

5.3. Sustainable Rural Housing Guidelines for Planning Authorities, 2005

5.3.1. These guidelines are relevant to the planning application. Circular Letter SP 5/08 was issued after the publication of the guidelines.

5.4. Waterford County Development Plan 2011-2017 (as varied and extended)

5.4.1. Following the amalgamation of Waterford County Council and Waterford City Council in 2014, the lifetimes of the existing development plans within the amalgamated council area were extended. The 2011-2017 County Development Plan remains in effect until a new City and County Development Plan is prepared following the making of the Regional Spatial & Economic Strategy.

5.4.2. Section 10.57 of the Plan states that all land outside of the designated settlements and land zoning maps is regarded as 'Agriculture A'. The land use zoning objective is 'To provide for the development of agriculture and to protect and improve rural amenity'. In the Land Use Matrix (Table 10.11), a 'dwelling' is open for consideration.

5.4.3. The site is in an 'Area Under Urban Pressure' as set out in Appendix A3 (Rural Area Types). Rural housing is addressed in Chapter 4 (Settlement). Section 4.9.1 (Areas Under Urban Pressure) states these areas are characterised by rapidly rising populations or are under considerable pressure for housing development. 'The key development plan objectives in this area are ... to facilitate the housing requirements of the local rural community ... whilst ... directing urban generated development to areas zoned for housing in the adjoining service centres and settlement nodes'.

Policy SS3 – To cater for the housing requirements of members of the local rural community who have a genuine local housing need in areas under urban pressure as set out in the Criteria in Section 4.10.

Policy SS4 – To direct urban generated housing development in Area Under Urban Pressure into the adjoining zoned settlements.

5.4.4. Seven different 'Criteria' are set out in Section 4.10 (Genuine Local Housing Need). These include a landowner, farm owner or immediate family member, a favoured niece, nephew or heir of a farmer with no children, persons working fulltime or part-time in a specific rural area who need to be close to the workplace, a son or daughter of an established householder, people returning to the area, or persons who require to live in a rural area due to exceptional health circumstances.

5.4.5. Ribbon development was also referenced in the planning authority decision. Variation No. 1 of the Waterford County Development Plan 2011-2017 deleted and replaced the development management chapter of the Plan, except Section 10.57. Ribbon development is defined in Section 11.1 of Variation No. 1. It states 'Dwellings which give rise to ribbon development shall not be permitted. Ribbon development is defined as in excess of 3 dwellings in a row or 5 dwellings on either side of the road located on any 250m stretch of road'.

5.5. Draft Waterford City & County Development Plan 2022-2028

5.5.1. The Draft Plan is on public display between 18.06.2021 and 30.08.2021.

5.6. Natural Heritage Designations

- 5.6.1. The closest heritage area is the Natura 2000 site Helvick Head to Ballyquin SPA approx. 500 metres to the south east.

5.7. EIA Screening

- 5.7.1. Having regard to the nature and scale of the proposed development, which is for a single house, and the nature of the receiving environment, which is a rural area with extensive existing housing in the vicinity, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination stage, and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

The main points made can be summarised as follows:

- The applicant considers she is part of the 'local rural community' as there is no distinction in the Gaeltacht between urban and rural, the community being spread over the peninsula of an Rinn. It is understood the Development Plan 2022-2028 will treat An Ghaeltacht as a single unit in the settlement hierarchy.
- The applicant considers she meets the criteria of Policy SS3 as she has a genuine housing need and grew up in the Gaeltacht. The applicant's job as deputy principal of the Gaeltacht school 950 metres away requires her to be available and live locally.
- The development will not give rise to ribbon development as it has already occurred on this stretch of road. Another house will not change the established linear development and would be in keeping with the established tradition.

- It is understood the ribbon development limit was adopted to lessen pressure on groundwater quality. There is a main sewer available. An Irish Water pre-connection enquiry response is enclosed with the grounds of appeal.
- Sightlines of 55 metres have been demonstrated.
- A letter of support has been submitted with the grounds of appeal from a member of Waterford City & County Council.
- A letter of support has also been submitted from the principal of Scoil Náisiúnta na Rinne where the applicant is vice-principal.
- The applicant has provided additional detail in relation to housing in the Gaeltacht. Plean Teanga na nDéise 2018-2024, approved by the Minister for Arts, Heritage and the Gaeltacht, states that to protect the linguistic background of the area the community must have the opportunity to settle in their own area. Under the Planning & Development Act, 2000, local authorities have a duty to protect the linguistic and cultural heritage of the Gaeltacht. Commitments are made in the Waterford County Development Plan 2011-2017, Policy CS 19, to protect and sustain the cultural heritage of the Gaeltacht area and to focus residential development on accommodating the natural growth of indigenous populations. From that commitment the Plean Teanga advised planning rules be reviewed 'so it would not be so difficult for local people to get planning permission for individual houses'. The Comprehensive Linguistic Study of the Use of Irish in the Gaeltacht: Principal Findings and Recommendations 2007, a research report for the Dept. of Community, Rural and Gaeltacht Affairs, recommended that one of the factors that should be given priority in making decisions on planning applications is the importance of facilitating young people from the district.
- The applicant has also reproduced some excerpts from the Sustainable Rural Housing Guidelines and provided commentary on these setting out how the application would comply with these.

6.2. Planning Authority Response

None.

6.3. Observations

None.

7.0 Assessment

The main issues are those raised in the grounds of appeal and the Planning Report and I am satisfied that no other substantive issues arise. The issue of appropriate assessment also needs to be addressed. The issues can be dealt with under the following headings:

- Compliance with Rural Housing Policy
- Ribbon Development
- Vehicular Entrance & Sightlines
- Appropriate Assessment

7.1. Compliance with Rural Housing Policy

- 7.1.1. The application is for a single house in the rural area. The planning authority's first reason for refusal considers that the applicant does not comply with the rural housing policy in the Waterford County Development Plan 2011-2017. The applicant disputes this reason for refusal and has set out the reasons for this in the grounds of appeal.
- 7.1.2. The applicant is seeking outline permission to construct a one and a half storey house in the rural area. The site is owned by the applicant's cousin's husband. The applicant is local to the general area. The applicant's family home, where she currently lives, is approx. 1.5km to the north east of the site in an area zoned 'R2 – Protect amenity of existing residential development and provide new residential development – low density (clustered housing, serviced sites, large plot size)' in Baile na nGall as set out in Volume 2 (The Map Booklet) of the Plan. The applicant is a teacher and vice-principal in Scoil Náisiúnta na Rinne, a primary school located approx. 800 metres north west of the site. The school is located within an area zoned 'Institutional, Educational & Community Development' in Maoil a' Choirne in Volume 2. Therefore,

while the site is in a rural area the applicant is originally from a zoned area and works in a different zoned area.

- 7.1.3. The site is in an area designated as an 'Area Under Urban Pressure'. Policies SS3 and SS4 of the County Development Plan 2011-2017 apply. Policy SS3 states it is a policy to cater for the housing requirements of members of the local rural community and Policy SS4 states it is a policy to direct urban generated housing development into zoned settlements. To be considered for a rural house in an Area Under Urban Pressure, an applicant must demonstrate compliance with one of the seven different 'criteria' outlined in Section 4.10. I do not consider that the applicant complies with any of the seven criteria set out.
- 7.1.4. The applicant considers that there is no distinction in the Gaeltacht between urban and rural living. However, there are four different designated zoned areas within this Gaeltacht area. The 'Context' for Baile na nGall in Volume 2 states 'An Rinn Gaeltacht is located on the Ring Peninsula, southeast of Dungarvan. It comprises of dispersed housing with settlement centres at Baile na nGall, Heilbhic, Maoil a' Coirne and Sean Phobal'.
- 7.1.5. Section 9.9 (An Ghaeltacht) of the County Development Plan 2011-2017 states that the Gaeltacht area constitutes an important part of the linguistic, social and cultural tradition of the county. The Comprehensive Linguistic Study of the Use of Irish in the Gaeltacht, referred to in the grounds of appeal, is also referred to in this section. The Plan states that the planning authority is committed to protecting and enhancing the Gaeltacht and to preventing the dilution of its unique linguistic and cultural environment. It also states 'There is increasing pressure for one-off housing in the Gaeltacht area and the Planning Authority is committed to developing proactive policies that will protect the area from insensitive and unnecessary development. The Planning Authority may require, as part of a planning application, a Linguistic Impact Statement which would outline how a proposed development would support and sustain the character of the Gaeltacht. Furthermore the Planning Authority shall attach a linguistic condition, where necessary, for private housing developments requiring that 60% of the total residential element shall be restricted to ownership by persons who have demonstrated to the Planning Authority a reasonable fluency in the Irish language'. Notwithstanding this, the Council's Rural Housing Policy does not provide

any dispensation for rural housing in the Gaeltacht area. Therefore, the same rural housing policy applies throughout the county.

- 7.1.6. The grounds of appeal refer to the Sustainable Rural Housing Guidelines for Planning Authorities (2005) where it stated that many parts of the Gaeltacht have comparatively fewer village or smaller town type settlements. However, this is in the context of the four different rural area types and relates to 'Areas with clustered settlement patterns'. The site is located in a 'Rural area under strong urban influence'/Area Under Urban Pressure and there are a number of zoned settlements in the vicinity, so I do not consider this to be relevant in the context of this application.
- 7.1.7. Regional and national policy as set out in the RSES (Policy RPO 27) and NPF (NPO 19) states that, in Areas Under Urban Influence, facilitation of single houses in the countryside should be based on, inter alia, the core consideration of demonstrable economic or social need to live in a rural area, having regard to the viability of smaller towns and rural settlements. The site is within 3km of Maoil a' Choirne, Baile na nGall and Heilbhic and within approx. 5km of Sean Phobal. The RSES and NPF policies direct urban generated housing into smaller towns and rural settlements such as these. The RSES does refer to local exceptional need. However, I do not consider this exists in this application.
- 7.1.8. Having regard to the foregoing, I consider that, under the policy environment that currently exists and under which the planning decision must be made, the applicant does not comply with the policies and objectives for housing in the rural area as set out in county, regional or national documentation. The site is in the rural area and both the applicant's family home and place of work are in zoned areas.

7.2. Ribbon Development

- 7.2.1. The second reason for refusal cited by the planning authority relates to ribbon development as the proposed house would be the ninth house on a 250 metre stretch of the road taking both sides of the road into account. The applicant considers the development will not give rise to ribbon development as ribbon development has already occurred and the development would be in keeping with the traditional pattern of development.

- 7.2.2. Ribbon development is referred to in Section 11.1 of Variation No. 1 of the County Development Plan 2011-2017 as follows, 'Dwellings which give rise to ribbon development shall not be permitted. Ribbon development is defined as in excess of 3 dwellings in a row or 5 dwellings on either side of the road located on any 250m stretch of road'.
- 7.2.3. There are a number of one-off houses along the road. The applicant states that there are 17 no. houses on the 700 metre stretch between the first house on the road and Crosaire an Fhaoitigh (approx. 250 metres south of the site). I consider the planning authority's statement that the proposed house would be the ninth house on both sides of the road over a 250 metre distance is accurate.
- 7.2.4. The applicant argues that the area has a public foul sewer so there is no issue in relation to wastewater treatment systems or groundwater pollution. The applicant considers that the site is suitable for development because of the available services. The grounds of appeal also refer to the Sustainable Rural Housing Guidelines (2005) in relation to ribbon development where it is stated that in many parts of the Gaeltacht 'there tends in those areas to be a prevalence of housing clusters, groups of clusters and occasionally linear development'. In this regard I again note that these comments in relation to the Gaeltacht in the Guidelines relate to 'Areas with clustered settlement patterns' which, given the site is in a 'Rural area under strong urban influence'/Area Under Urban Pressure, is not directly relevant to this specific application.
- 7.2.5. Ribbon development is addressed directly in Appendix 4 of the Guidelines. It states planning authorities will need to take a view, in some circumstances, as to whether the proposal would contribute to or exacerbate ribbon development. I consider the proposed development would exacerbate it. The site cannot be considered an infill site as it is in a field with a currently undeveloped road frontage of approx. 120 metres. It could, however, if permitted, create an 'infill' site to the north. A gap is left along the southern side of the field, which retains an existing agricultural entrance.
- 7.2.6. I do not accept the applicant's argument that, as ribbon development has already occurred, 'keeping with the traditional pattern', permission should be granted. Notwithstanding the extent of existing development in the area, this is a rural area and ribbon development erodes the rural character. Appendix 4 does state that a proposal could be considered depending on the type of rural area and circumstances of the

applicant. However, given the content of Section 7.1 of this assessment, I do not consider it can be considered in this case.

- 7.2.7. Having regard to the foregoing, I consider that the proposed development would exacerbate the existing pattern of ribbon development at this location and to grant permission would be contrary to the provisions of the County Development Plan 2011-2017 and the Sustainable Rural Housing Guidelines (2005).

7.3. Vehicular Entrance & Sightlines

- 7.3.1. Assessment of the vehicular entrance and sightlines is a standard consideration for one-off housing in a rural area. This was not included as a reason for refusal, but the Planning Report considered that there were serious concerns regarding the level of development in the immediate vicinity, the horizontal and vertical alignment of the road and limited passing capacity.
- 7.3.2. Sightlines of 55 metres are required for 80pkm local roads as per Table 7.0 (Minimum Sightline Requirements) of Variation No. 1 of the County Development Plan 2011-2017. 55 metres sightlines to the nearside road edges have been shown on the Site Layout Plan. This would require the removal of the entire existing roadside hedgerow boundary, and possibly an additional approx. 10 metres of hedgerow outside the boundary to the north, which is also under the control of the landowner. A letter of consent has been submitted in this regard. This would contribute to the further erosion of the rural character of the area. Notwithstanding, the required sightlines can be achieved.
- 7.3.3. The local road network is relatively narrow, with some bends, and the road level increases in a southerly direction. The provision of an additional house would intensify the use of the road though an additional vehicular entrance would contribute to passing capacity. While the road network serving could be considered deficient in certain aspects, I do not consider that a refusal of permission is warranted on that basis.
- 7.3.4. I consider the proposed development in terms of the vehicular entrance and sightlines is acceptable, in principle.

7.4. Appropriate Assessment

- 7.4.1. Having regard to the nature and scale of the development proposed, a serviced house, and to the nature of the receiving environment, remote from and with no hydrological or ecological pathway to any European site, no appropriate assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

I recommend that the planning application be refused for the following reasons and considerations.

9.0 Reasons and Considerations

1. Having regard to the location of the site within an "Area Under Strong Urban Influence" as identified in the Sustainable Rural Housing Guidelines for Planning Authorities issued by the Department of the Environment, Heritage and Local Government in April 2005 and in an area where housing is restricted to persons demonstrating local need in accordance with the Waterford County Development Plan 2011-2017 (as varied and extended), it is considered that the applicant does not come within the scope of the housing need criteria as set out in the Guidelines or the Development Plan for a house at this location. The proposed development, in the absence of any identified locally based need for the house, would contribute to the encroachment of random rural development in the area and would militate against the preservation of the rural environment and the efficient provision of public services and infrastructure. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. The proposed development would exacerbate undesirable ribbon development in a rural area outside lands zoned for residential development, would contravene the provisions of Section 11.1 (Ribbon Development) of Variation No. 1 of the Waterford County Development Plan 2011-2017 (as varied and extended) and would, therefore, be contrary to the proper planning and sustainable development of the area.

Anthony Kelly

Planning Inspector

18.06.2021